

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS, TEXAS

UNITED STATES OF AMERICA

VS.

MICHAEL DAVID CARROLL (01)

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CAUSE NO. 3:13-CR-00076-N
(ECF)

**DEFENDANT'S SECOND MOTION TO EXTEND
REPORT DATE TO BEGIN SENTENCE**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Defendant, MICHAEL DAVID CARROLL, and submits this request for a delay in his report date to begin his sentence and would show the following:

I.

Mr. Carroll was sentenced to the custody of the United States Bureau of Prisons for a total of 70 months. He was ordered to surrender for service of his sentence before 2:00 p.m. on July 15, 2014.

II.

Mr. Carroll retained Robert N. Udashen and Katherine L. Reed of Sorrels, Udashen & Anton in Dallas to represent him in this case.

III.

Mr. Carroll had absolutely no criminal history prior to his conviction in this cause. Clearly, he is not a flight risk or danger to the community and will appear at any time designated by the court.

IV.

Mr. Carroll asks that his report date be extended 60 days to September 15, 2014, because of the following:

Mr. Carroll is a party to bankruptcy proceedings pending in the United States

Bankruptcy Court for the Northern District of Texas, cause number 11-31005-BJH-13. Mr. Carroll's presence is needed for the next 60 days for various proceedings in connection with the bankruptcy case. The proceedings are complicated in that Mr. Carroll originally filed for Chapter 13 bankruptcy jointly with his wife. Mr. Carroll and his wife are now filing for divorce. Because of this and Mr. Carroll's imminent incarceration, the Carrolls are going to sever their bankruptcy case. Mr. Carroll is going to convert his case to a Chapter 7 bankruptcy because he will not be able to make payments to creditors while in prison. This process will necessitate Mr. Carroll participating in a severance hearing and in a meeting with creditors and the bankruptcy trustee. The proceedings are further complicated by pending foreclosure proceedings concerning Mr. Carroll's home. These matters are serious and require Mr. Carroll's time and attention before he reports to prison. Mr. Carroll is represented in the bankruptcy proceedings by attorney Areya Holder.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this motion be granted and the date for the Defendant to report to begin service of his sentence be delayed to September 15, 2014.

Respectfully submitted,

/s/ Robert N. Udashen
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Defendant's Second Motion to Extend Report Date to Begin Sentence was delivered to David L. Jarvis, Assistant United States Attorney, 1100 Commerce Street, Suite 300, Dallas, Texas 75242, electronically to david.jarvis@usdoj.gov, on this the 11th day of July, 2014.

/s/ Robert N. Udashen
ROBERT N. UDASHEN

CERTIFICATE OF CONFERENCE

On July 11, 2014, I was unable to contact Assistant United States Attorney David L. Jarvis to discuss this Motion.

/s/ Robert N. Udashen
ROBERT N. UDASHEN, P.C.